

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, ex rel.
JANE DOE,

Plaintiffs,

V.

ATRICURE, INC.,

Defendant.

Civil Action No. 07-2702 (J. Rosenthal)

**STIPULATION OF DISMISSAL AND
APPLICATION TO UNSEAL RELATOR'S IDENTITY**

The present action was filed under the qui tam provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.*, by Relator Jane Doe (“Relator”) against Atricare, Inc. (“Atricare”). Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the qui tam provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms of the February 2, 2010, Settlement Agreement among the United States, Atricare, and Relator (collectively, the “Parties”), the Parties hereby stipulate, through their undersigned counsel, to the entry of an order dismissing with prejudice all civil monetary claims asserted on behalf of the United States against Atricare in this action; provided, however, that the Court shall retain jurisdiction to enforce the terms of the Agreement by and between the parties. The parties further request that the Court unseal relator’s identity and the original, unredacted complaint filed in this action.

Relator, on behalf of herself, her heirs, successors, attorneys, agents, and assigns, stipulate that the settlement amount set forth in the February 2, 2010, Settlement Agreement and the terms and conditions described therein are fair, adequate, and reasonable under all the circumstances, that she will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that she expressly waives the opportunity for a hearing on any objection to the settlement pursuant to 31

U.S.C. § 3730(c)(2)(B).

The parties respectfully request that the Court enter an order in the form of the attached, proposed order.

Respectfully submitted,

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Certificate of Service

I hereby certify that on February 2, 2010, the United States' Notice of Intervention and Joint Stipulation of Dismissal and Proposed Order were mailed, first-class mail, postage prepaid to:

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